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PATENT
Attorney Docket No. 02376.0006-01000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent of:

Gondouin

U.S. Patent No. RE38,636

Issued: October 26, 2004

For: DOWNHOLE EQUIPMENT,
TOOLS AND ASSEMBLY
PROCEDURES FOR THE
DRILLING, TIE-IN AND
COMPLETION OF VERTICAL
CASED OIL WELLS
CONNECTED TO LINER-
EQUIPPED MULTIPLE
DRAINHOLES

Application No.: 09/824,738

Filed: April 4, 2001

RECEIVED

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OFFICE OF PETITIONS

12/21/2006 HMARZI1 00000004 RE38636

01 FC:1463

200.00 OP

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Adjustment date: 01/16/2007 CKHLOK
12/21/2006 HMARZI1 00000004 RE38636
01 FC:1463

Sir:

-200.00 OP

**PETITION FOR REVIEW OF DECISION REFUSING
TO ACCEPT AND RECORD PAYMENT OF A MAINTENANCE
FEE FILED PRIOR TO EXPIRATION OF PATENT UNDER 37 CFR § 1.377**

The USPTO PAIR website lists the above-identified reissue patent as expired for failure to pay the 8th year maintenance fee due on October 31, 2003. The 8th year maintenance fee, however, was paid and accepted by the USPTO on the immediate parent reissue patent.

The application that issued as the above-identified reissue patent was filed as a continuation application from U.S. Appln. 08/861,457 (which issued as RE37,867 on

Refund Ref:
01/16/2007 CKHLOK 0000155498

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October 8, 2002). The '457 application was itself filed as a reissue application from U.S. Patent 5,462,120. The '120 patent issued on October 31, 1995, and therefore, the three maintenance fee due dates for the '120 patent and any reissue are April 31, 1999, April 31, 2003, and April 31, 2007. The first maintenance fee was paid for the '120 patent on April 16, 1999, and Applicant encloses the maintenance fee statement showing payment. Prior to the due date for the second maintenance fee, the '457 application granted as the '867 reissue patent. The second maintenance fee was paid on June 6, 2003 with surcharge for the '867 reissue patent since the '120 patent was surrendered prior to issuance of the '867 reissue patent. Applicant also encloses the maintenance fee statement showing payment of this fee, as well. Only after the second maintenance fee was paid did the above-referenced reissue patent issue.

It appears that in assessing the above-referenced reissue patent, the USPTO only reviewed the file history of the '120 patent and not the '867 reissue patent for payment of the second maintenance fee. The USPTO PAIR page indicates that this reissue patent is expired for failure to pay the second maintenance fee. As only one issued patent was in force as of the due date for the second maintenance fee, only one fee was due, and that fee was paid for the '867 reissue patent.

Therefore, Applicants requests that the USPTO correct the PAIR designation and provide written confirmation that this reissue patent is in good standing.

The Applicant first became aware of this discrepancy on October 30, 2006, and have filed this request within two months of the action complained of.

Applicant hereby petitions for revival of this application. The petition fee of \$200.00 is enclosed. Applicant requests a refund of this petition fee, as Applicant believes this is the result of a USPTO error.

If there are any other fees due in connection with the filing of this response, including any fees required for an extension of time under 37 CFR § 1.136, such an extension is requested, and the Commissioner is authorized to charge any related fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: December 19, 2006

By: Rebecca M. McNeill
Rebecca M. McNeill
Reg. No. 43,796